

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**SARA SAIDMAN and JESSICA  
CHEATHAM,**  
*Plaintiffs*

**CASE NO. 4:20-CV-02193**

**v.**

**SCHLUMBERGER TECH. CORP.,**  
*Defendant*

**DEFENDANT SCHLUMBERGER TECH. CORP'S  
MOTION FOR PARTIAL DISMISSAL OF FIRST AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Schlumberger Technology Corporation ("STC"), files this motion for partial dismissal of the First Amended Complaint.

Plaintiffs Sara Saidman ("Saidman") and Jessica Cheatham ("Cheatham") claim that they and a putative class of current and former employees were subjected to disparate treatment and disparate impact sex discrimination (Count One) and harassment (Count Two), and that they were individually retaliated against for complaining about harassment (Count Three), and discharged or constructively discharged because of sex (Count Four), all in violation of Title VII of the Civil Rights Act of 1964.

The class claims in Counts One and Two should be dismissed for two reasons. First, Plaintiffs did not timely submit the class allegations (and the legal theories they are based on) to the Equal Employment Opportunity Commission ("EEOC"), and so did not satisfy the mandatory requirement to exhaust administrative remedies before filing suit. Second, the First Amended Complaint does not satisfy Rule 23(a)'s prerequisites for class action treatment because it does not plausibly allege common questions of law or fact that are capable of class-wide determination, or that Plaintiffs'

claims are typical of the putative class, or that questions of law or fact common to class members predominate over any questions affecting only individual members.

Plaintiff Cheatham's claims in Counts One through Four are due to be dismissed because she has not received an EEOC right to sue and cannot "piggyback" on Saidman's claims.

Plaintiffs Saidman's and Cheatham's individual claims of disparate impact sex discrimination encompassed in Court One are due to be dismissed because they were not presented to the EEOC.

STC's motion is supported by the attached exhibits, and a contemporaneously filed brief.

WHEREFORE, defendant Schlumberger Technology Corporation respectfully requests the Court to dismiss the putative class claims of sex discrimination (Count One) and hostile work environment (Count Two), Saidman's individual claim of disparate impact sex discrimination in Count One, and Cheatham's individual claims in Counts One, Two, Three and Four.

/s/ Cecily L. Kaffer

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**CERTIFICATE OF SERVICE**

I certify that I have caused to be served, this 12th day of October 2020, a copy of the foregoing has been sent via electronic mail via the Court's CM/ECF system to counsel of record.

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